श्री मोहम्मद अली खान : सर, मैं आन्ध्र प्रदेश से हूँ ...**(व्यवधान)**...

جناب محمد علی خان : سر، میں آندھرا پردیش سے ہوں۔۔ (مداخلت) ۔۔

MR. CHAIRMAN: He gave an answer.

DR. (SHRIMATI) NAJMA A. HEPTULLA: He did not give a full answer. ...*(Interruptions)*...

SHRI JESUDASU SEELAM: Sir, we want a half an hour discussion. ...*(Interruptions)*

MR. CHAIRMAN: Then complaint about the...*(Interruptions)*...

SHRI JESUDASU SEELAM: Sir, we want a half an hour discussion. We all belong to the affected States. ...*(Interruptions)*...

श्री मोहम्मद अली खान : चेयरमैन साहब, हम इस पर Half an Hour Discussion चाहते हैं ...**(व्यवधान)**...

Half an Hour Discussion

جناب محمد علی خان : چیئرمین صاحب، ہم اس پر چاہتے ہیں ۔۔(مداخلت)

MR. CHAIRMAN: This is not the manner in which this matter is to be raised. I am sorry...*(Interruptions)*...

SHRI JESUDASU SEELAM: Sir, we want a half an hour discussion. ...*(Interruptions)*

MR. CHAIRMAN: There is a procedure for giving notice for discussions. Please, follow it. What is the difficulty? Question 83.

*82. *[The questioner Shri N.R. Govindarajar was absent. For answer *vide* page 51 *infra*.]

Strengthening the mechanism for protection of human rights

*83. SHRI MOHAMMED ADEEB:††
SHRI SABIR ALI:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether it is a fact that there is a need to strengthen the mechanism for protection of human rights;

(b) if so, the details in this regard; and

(c) the action being taken in the matter?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI AJAY MAKEN): (a) to (c) A Statement is laid on the Table of the House.

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†[ ]Transliteration in Urdu Script.

††The question was actually asked on the floor of the House by Shri Mohammed Adeeb.

Statement

(a) to (c) The principles of human rights are an integral part of the Constitution of India which guarantees basic human rights and fundamental freedoms to all citizens, irrespective of religion, race, caste, sex, place of birth or any of them. The Government of India has enacted the Protection of Human Rights, 1993 which lays down the mechanism for protection of Human Rights. The National Human Rights Commission (NHRC) has been set up under Section 3(1) of the said Act for protection of Human Rights. Further, as per Section 21 of PHR Act, 1993, the State Governments may set up State Human Rights Commissions. The NHRC has been vested with following powers and functions in order to discharge its mandate of protection of Human Rights.

NHRC enquires into complaints under the said Act. The Commission has got full powers of a Civil Court trying a suit under the Code of Civil Procedure 1908.

The enquiry proceedings before the Commission are deemed to be judicial procedure. The Commission may transfer any complaint filed or pending before it to the State Commission of the State from which the complaints arises and the State Commission shall dispose of the complaint as if it were a complaint initially filed before it.

Similarly, for the purpose of investigation, the Commission may summon and enforce the attendance of any person and examine him, require the production of any document and requisition any public record from any office.

NHRC can perform any or all of the following functions:

(i) To enquire into any complaint of violation of Human Rights.

(ii) To intervene in any proceeding including any allegation of violation of Human Rights pending before a Court.

(iii) To visit jails and other such institutions and make suitable recommendations to the Government.

(iv) To review the safeguards provided by the Constitution/any law for protection of Human Rights.

(v) To study international conventions/covenants and make suitable recommendations.

(vi) To undertake and promote research/literacy/awareness in the field of Human Rights.

(vii) To encourage the efforts of Non-Governmental Organisations and institutions working in the field of Human Rights.

The State Human Rights Commissions have been vested with similar power/functions as NHRC within the justification of their respective States.

The Government of India and the NHRC have been actively pursuing with the State Governments for setting up of SHRCs and Human Rights Courts.

Due to persistent efforts of Government of India and NHRC, 18 States have set up the State Human Rights Commissions and 10 States have set up Human Rights Courts at district level for protection of human rights.

In view of the facts pointed above, the existing mechanism for the protection of human rights is adequate and it can be strengthened further by State Governments by implementing the provisions of the PHR Act, 1993 effectively and efficiently, as "Police" and "Public Order" are State subjects under the Constitution of India.

SHRI MOHAMMED ADEEB: Sir, my first supplementary is this: The Human Rights Commission consists of three members. The minorities and backward class people suffer more from human rights violations. Will the Government of India think of having a member from the minority communities, backward classes and dalits in the Commission, as they are the people who suffer more from human rights violations?

SHRI AJAY MAKEN: Sir, we have separate commissions for various other groups, like we have the National Commission on Minorities also. So, I think, the minorities issues are adequately taken care of even there. Besides, the Human Rights Commission also takes care of the minority issues.

SHRI MOHAMMED ADEEB: Sir, my second supplementary is that in Maharashtra more than 20 people are still in jail for the last seven years although no charges have been framed against them. POTA has already been repealed but they have not got the bail by the Government of Maharashtra. Is this not a case of human rights violation? I want to know from the hon. Minister as to why they have been in jail for seven years when there is no charge-sheet framed against them? POTA has already been repealed but Maharashtra Government has not allowed them to get the bail. The Supreme Court has held that if there is no substantial evidence in POTA cases, they are liable to get the bail. This is a total human rights violation. Why have they been in jail for seven years? I want to know this from the hon. Minister.

SHRI AJAY MAKEN: Sir, on the basis of any complaint or letter received from the hon. Member, we are going to take it up with the Government of Maharashtra. Otherwise, in most of the States we have the State level human rights commissions and we are asking the States to set up human rights courts also. Around ten States have already set up specially designated human rights courts, and we wish that all the States set up such courts so that such cases can be taken up in those designated courts.

SHRI MOHAMMED ADEEB: Sir, I have written, at least, twenty letters to the Ministry of Home Affairs.

SHRI AJAY MAKEN: We will take it up afresh.

श्री साबिर अली: सर, जैसा कि अभी अदीब साहब ने कहा, मैं सिर्फ उसमें कुछ आंकड़े देना चाहता हूं। वर्ष 2006-07 में Human Rights के 9,603 violations हुए थे, जिनमें खास करके सिर्फ मुसलमानों के साथ 8,390 हुए थे। 2007-08 में 10,568 हुए थे, जिनमें से 9,248 मुसलमानों के साथ हुए। 2008-09 में 12,794 हुए थे, जिनमें से 11,178 मुसलमानों के साथ हुए। यह उत्तर इसी सदन में दिया गया था और ये आंकड़े इसी सदन

के हैं। इस तरह जो Human Rights के violations होते हैं, यह काम खास करके सरकारी पदाधिकारियों के जरिए किया जाता है और खास तौर पर अक़ल्लीयतों के साथ यह होता है। इस पर सरकार ने क्या कदम उठाए हैं? ये आंकड़े सरकार के द्वारा ही दिए गए हैं। सर, आपके जरिए मंत्री महोदय से मैं यह जानना चाहता हूं कि 2006 से लेकर अब तक सरकार ने इस पर क्या कदम उठाए हैं ताकि ऐसे मामले रिपीट न हों?

श्री अजय माकन: सभापति महोदय, इस तरीके की जितनी भी कंप्लेंट्स आती हैं, National Human Rights Commission और State Human Rights Commission समयस मय पर स्टेट गवर्नमैंट्स को उन पर डायरैक्शन देते रहते हैं। Human Rights Commission न केवल minorities के केसिज़ पर, बल्कि अन्य बहुत सारी चीज़ों के मामले में समय-समय पर स्टेट गवर्नमैंट्स को डायरैक्शन देता रहता है - जैसे custodial death, insurgency, rape and torture, reform of the police, prison reforms, mental hospitals, shelter for women, minorities etc. स्टेट गवर्नमैंट्स इन डायरैक्शन्स का पालन करती रहती हैं।

अगर माननीय सदस्य को कोई स्पैसिफिक केस हमारी जानकारी में लाना है अथवा हमारे माध्यम से स्टेट गवर्नमैंट की जानकारी में लाना है, तो वे हमें बताएं, हम उसको जरूर टेकअप करेंगे।

SHRI PRAVEEN RASHTRAPAL: Sir, we all are aware that the worst victims of the human rights violation is the weaker section of the society, in particular the SC/ST, the Muslims and women too. I want to know from the hon. Minister: Are you aware of the honour killing in the neighbouring States of Haryana, Rajasthan and many other States all over the country? A young boy and a girl married to each other which is legally permissible; they went to the court and even the parents were in agreement, but a certain community panchayat in the name of *gotra* or *sagotra* and all this thing has not only violated the laws of the land but killed the couple in the presence of Police. The Central Government is constitutionally responsible to protect the rights of women and the rights of the poor, and we claim that there is no discrimination on the basis of caste, class or creed in our country. But is there a single case where the Central Government has intervened and asked the State Governments of Rajasthan or Haryana as to what the State Government machinery was doing when *goondas* and goons were killing the couple?

SHRI AJAY MAKEN: Sir, while responding to a question on honour killing in the last session, my senior colleague had, in very strong words, deplored such so-called honour killings, and it is very unfortunate that in our country, in certain States, we have such kind of killings. We are aware of this matter. We are taking it up with the State Governments, and in whatever manner, we can do it, within the constitutional limits, we are going to take care so that such things are not repeated in future.

SHRIMATI BRINDA KARAT: You should bring a law to curb these crimes. That is the issue.

MR. CHAIRMAN: No interruptions please.

SHRI AJAY MAKEN: Sir, honour killing is just like any other murder... *(Interruptions)*.

SHRIMATI BRINDA KARAT: It is not just like any other murder. It is totally wrong. How can he say that honour killing is like any other murder? It is a crime connected with honour which has different dimensions.

MR. CHAIRMAN: The very fact that the term 'honour killing' has been used, means it is somewhat different from normal murder.

SHRIMATI BRINDA KARAT: Thank you, Sir. I hope your wisdom will percolate to the Government.

SHRI AJAY MAKEN: By way of using different terminology, there is no distinction between the two because the punishment, the capital punishment, for both are the same. We are not giving any relaxation, as many other countries do, for so-called honour killing. There are many countries in the world which give some kind of relaxation if it is proved that it is an honour killing. There is no relaxation in our country. It is as good or as bad as a normal murder, as far as the law is concerned. So, the punishment is capital punishment.

सरदार तरलोचन सिंह: सर, National Human Rights Commission बहुत बड़ा organization है, लेकिन सरकार ने कई महीने से इसका चेयरमैन भी अप्वायंट नहीं किया। यह बताता है कि हमारी सरकार की तरफ से इस National Human Rights Commission के बारे में क्या रवैया है।

Secondly, Sir, through you, I want to know कि National Human Rights Commission ने कितने केसेज़ आज तक डील किए और कितने लोगों को रिलीफ मिली? Is there only deliberation and no action? Do they have any power to take action? Through you, I want to draw the attention of the hon. Home Minister to one Khalra case where 1200 people were burnt. Without any name, A case is pending with the Human Rights Commission कि अमृतसर में 1200 लोग एक दिन में जलाये गये, उनका कोई whereabouts या उसमें कोई रिलीफ आज तक नहीं आया। The Human Rights Commission is sitting on it.

श्री अजय माकन: सभापति महोदय, माननीय सदस्य ने दो प्रश्न पूछे हैं।

श्री सभापति: आप एक का ही जवाब दे दीजिए।

श्री अजय माकन: सर, पहला प्रश्न उन्होंने NHRC के कम्पोजीशन के बारे में पूछा है। यह मामला *sub-judice* भी है, लेकिन मैं बताना चाहूँगा कि National Human Rights Commission के Chairperson retired Chief Justice of the Supreme Court हो सकते हैं, जिनकी उम्र 70 साल से कम हो। इन दोनों parameters में केवल 2 व्यक्ति आते हैं और दोनों के दोनों व्यक्तियों ने कहा है कि वे inclined नहीं हैं और वे उपलब्ध नहीं हैं।

डा. (श्रीमती) नजमा ए. हेपतुल्ला: सर, अभी माननीय मंत्री जी ने जवाब देते हुए कहा कि अगर custodial death होती हैं, तो वे भी Human Rights के अन्तर्गत आती हैं। अभी recently जम्मू एवं कश्मीर में शर्मा नाम का एक आदमी custodial death में torture के बाद मारा गया। उसके नाखून निकाल लिए गए, उसके साथ और भी दुर्व्यवहार किया गया। उसके बारे में कुछ मंत्री जी बताएँगे या आपको चिट्ठी लिख कर भेजें?

श्री अजय माकन: मैडम, आप इसके बारे में हमें चिट्ठी भी लिखेंगी, तब भी हम इसको दिखवाएँगे। आपने इसका मेंशन किया है, तो हम इसको वैसे भी दिखवाएँगे, लेकिन मैं आपको बताना चाहूँगा कि जम्मू एवं कश्मीर में custodial death के जो केसेज़ हुए हैं, उनके आँकड़े इस प्रकार हैं- 2006-2007 में कोई नहीं, 2007-2008 में तीन और 2008-2009 में कोई नहीं। इस प्रकार पिछले तीन सालों में ऐसे केसेज़ केवल 3 हुए हैं।